Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: May I know, Sir, whether there are or not expert carpenters amongst the convicts in the jail?

Rama Varmha Tampuran *(Secretary to Governmnet)*: Yes, there are.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: How are their services utilised by the Government.

Rama Varmha Tampuran *(Secretary to Government)*: There is a carpentry section in the workshop and these people are made to work in that section.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: With regard to sub-section (b) of question 90, it is stated that one ordinary dining table and two benches have been supplied. May I know whether these three articles, two benches and one ordinary dining table, were worked in the jail workshop or whether at the Superintendent's quarters.

Rama Varmha Tampuran *(Secretary to Government)*: These were supplied from the carpentry section in the Central Jail.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Can I take it that it was not worked in the Superintendent's quarters?

Rama Varmha Tampuran *(Secretary to Government)*: Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Has the cost thereof been paid by the Superintendent himself? If so, what is the cost please?

Rama Varmha Tampuran *(Secretary to Government)*: It is 9 and odd rupees. Rs. 9 has been realised from the Superintendent.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: It has been stated that one ordinary dinner table has been supplied. May I know what is the quality of the timber used and may I also know the dimensions of the two benches and the table. I am suggesting that Rs. 9 is too small a price for these 3 articles and there are other things connected with it. So I ask for information as to what is the nature of this ordinary dining table and these two benches.

Rama Varmha Tampuran *(Secretary to Government)*: They were made of jack wood, 12 thuvadas in measurement and Rs. 9 was charged.

Mr. C. V. Iyyu *(Kunnamkulam)*: Probably the jack fruit tree fallen, referred to in (c) of question 88, has been used for this.

Mr. P. Kumaran Ezuthassan *(Vadakkancheri)*: Why wander in the regions of probability? Even with that probability, what is the position of the Government? Was that jack tree used for this?

Rama Varmha Tampuran *(Secretary to Government)*: We have not particularly asked the Department about it.

Mr. C. V. Iyyu *(Kunnamkulam)*: May I know whether the cost was paid after the question was put or before that?

Rama Varmha Tampuran *(Secretary to Government)*: The date is not given here. The date of supply was on 14th Meenam 1118. When exactly Rs. 9 was paid can be found out from the cash book.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: In view of the satisfactory observations made here regarding a responsible officer of Government being deputedto go to enquire this matter, I do not put any further questions now. My only suggestion is that proper evidence may be taken by the Hon'ble the Government Secretary and let it not be the ordinary type of ordinary departmental enquiries.

DECISION OF THE FEDERAL COURT—RULE 26 OF THE DEFENCE OF INDIA RULES

91. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Will Government be pleased to state.—

(*a*) has the attention of Government been drawn to the decision of the Federal Court of India declaring the detention under Rule 26 of the Defence of India Rules illegal;

(*b*) whether Government is aware of many a release ordered by the British Indian High Courts of detenues after the decision in (*a*)?

Rama Varmha Tampuran *(Secretary to Government)*:

(*a*) Yes.

(*b*) Yes.

92. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Will Government be pleased to state.—

(*a*) are the rules under which Cochinites are detained in any way different from the Rules declared *ultra vires* by the Federal Court;

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(*b*) what are the repercussions of the Federal Court decision in Cochin ?

Rama Varmha Tampuran *(Secretary to Government)* :

(*a*) The wording of the rule is the same.

(*b*) Adequate legislative action has been taken to cure the defect pointed out by the Federal Court.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : With regard to answer (*b*) may I know the nature of the adequate legislative action that has been taken to cure the defect ?

Rama Varmha Tampuran *(Secretary to Government)* : We have issued Proclamation XX of 1118.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : May I know whether it is not also of the same kind as the validating ordinance issued by His Excellency the Governor General.

Rama Varmha Tampuran *(Secretary to Government)* : Yes.

Mr. M. Sivarama Menon *(Advocate-General)* : I may point out to the Hon'ble Members that the whole of the validating order does not form part of the Proclamation. The Hon'ble Members will find that in British India the power to make a rule is derived from the Act itself but here the Proclamation issued by His Highness the Maharaja makes the Defence Act and the rules with all the amendments hitherto made and yet to be made applicable to the State *mutatis mutandis*. Therefore in this State, so far as these rules are concerned, the power is not derived from the Act but it is derived by virtue of the Proclamation itself. Anyway to clear all doubts, this Proclamation was issued with regard to the previous detention orders passed by the Government.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: So with that improved Proclamation of our Government any person may be trapped in prison of course on the apprehension of the Government. Who is the authority to pass such orders? Is it the Government or is there any body else ?

Mr. M. Sivarama Menon *(Advocate General)*: It is the Government of Cochin. The power has not been delegated to anybody. (*Hear, hear.*)

Mr. A. B. Salem *(Mattancheri)*: May I know in cases of prosecutions under the Defence of India rules, whether in the investigation stage any legal opinion is brought to bear before persons are sent to courts ?

Mr. President : This does not arise from this question.

Mr. A. B. Salem *(Mattancheri)*: In working the Defence of India Rules, I would like to know whether in case of prosecutions under these rules independent legal opinion of Government officers is taken before persons are sent to Courts.

Mr. President : This does not refer to prosecutions. It is only about detention.

Mr. A. B. Salem *(Mattancheri)*: When action is taken, the Government can always detain. That is a different matter. When persons are sent into' courts and before that in the investigation stage I want to know whether any legal opinion is taken.

Rama Varmha Tampuran *(Secretary to Government)* : Sir, it is not relevant.

Mr. President : I rule it not relevant.

INDUSTRIALISATION—SCHEMES FOR

93. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Will Government be pleased to State.—

(*a*) whether Government have noted the various and varied activities of the sister State of Travancore in the field of industrialisation;

(*b*) whether Government have tried to profit by the example of Travancore, if so, in what directions ?

Mr. C. J. Mathew *(Joint Secretary to Government)* :

(a) Yes.

(*b*) In the matter of industrialisation Government have been trying to profit by examples as also by independent investigation.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I may be permitted to put Question 94 also.

94. Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)* : Will Government be pleased to state.—

(*a*) whether Government have any policy or programme for the industrialisation of the State;

(*b*) if so, what is that policy?

Mr. C. J. Mathew *(Joint Secretary to Government)* :

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